

**Amendment No. 1 to HB2424**

**Lamberth  
Signature of Sponsor**

**AMEND Senate Bill No. 2399**

**House Bill No. 2424\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-10-402(h)(7)(A), is amended by deleting the subdivision and substituting instead the following:

(A) The use of transdermal monitoring devices or other alternative alcohol or drug monitoring devices. If the court determines that the person is indigent, the court shall order the person to pay any portion of the costs of such a device for which the person has the ability to pay, as determined by the court. Any portion of the costs of such a device that the person is unable to pay shall come from the DUI monitoring fund established pursuant to § 55-10-419;

SECTION 2. Tennessee Code Annotated, Section 55-10-419(a)(1), is amended by deleting the subdivision in its entirety, substituting instead the following, and redesignating the subsequent subdivisions appropriately:

(1) There is created in the state treasury a fund to be known as the DUI monitoring fund. Except as provided in subsection (f), all money in such fund shall be used to pay for the following for persons deemed by the court to be indigent:

(A) The costs associated with the lease, purchase, installation, removal, and maintenance of ignition interlock devices or with any other cost or fee associated with a functioning ignition interlock device required by this part; and

(B) The costs associated with the use of a transdermal monitoring device or other alternative alcohol or drug monitoring device, if required by the court pursuant to § 55-10-402(h)(7).

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(C) Notwithstanding subdivisions (a)(1)(A) and (B), no more than two hundred dollars (\$200) per month shall be expended from the fund to pay the costs associated with an indigent person's interlock ignition device pursuant to subdivision (a)(1)(A), or an indigent person's transdermal monitoring device or other alternative alcohol or drug monitoring device, pursuant to subdivision (a)(1)(B).

(2) Moneys in the fund shall not revert to the general fund of the state, but shall remain available to be used as provided for in subsection (a)(1).

SECTION 3. Tennessee Code Annotated, Section 55-10-419(g)(2)(A), is amended by deleting the subdivision in its entirety and substituting instead the following:

(A) Thirty dollars and fifty cents (\$30.50) to the DUI monitoring fund for the purpose of paying for the following for persons found to be indigent by the court:

(i) All the costs associated with the lease, purchase, installation, removal, and maintenance of such device or with any other cost or fee associated with a functioning ignition interlock device required by this part; and

(ii) All the costs associated with the use of a transdermal monitoring device or other alternative alcohol or drug monitoring device, if required by the court pursuant to § 55-10-402(h)(7); and

SECTION 4. Tennessee Code Annotated, Section 55-10-409(b)(2)(C), is amended by deleting the language "ignition interlock fund" and substituting instead the language "DUI monitoring fund".

SECTION 5. Tennessee Code Annotated, Section 40-33-211(c)(3)(A), is amended by deleting the language "interlock assistance fund" and substituting instead the language "DUI monitoring fund".

SECTION 6. Tennessee Code Annotated, Section 40-33-211(f)(3)(A), is amended by deleting the language "interlock assistance fund" and substituting instead the language "DUI monitoring fund".

SECTION 7. Tennessee Code Annotated, Section 55-10-417(a)(2), is amended by deleting the language "interlock assistance fund" and substituting instead the language "DUI monitoring fund".

SECTION 8. Tennessee Code Annotated, Section 55-10-418(c)(1)(A), is amended by deleting the language "interlock assistance fund" and substituting instead the language "DUI monitoring fund".

SECTION 9. Tennessee Code Annotated, Section 55-10-419, is further amended by deleting the language "interlock assistance fund" wherever it appears and substituting instead the language "DUI monitoring fund".

SECTION 10. Tennessee Code Annotated, Section 40-11-118, is amended by deleting subdivision (d)(2)(B) and substituting instead the following:

(B) The use of transdermal monitoring devices or other alternative alcohol monitoring devices. However, if the court orders the use of a monitoring device on or after July 1, 2016, and determines the defendant is indigent, the court shall order the portion of the costs of the device that the defendant is unable to pay be paid by the DUI monitoring fund, established in § 55-10-419;

SECTION 11. Tennessee Code Annotated, Section 40-11-148, is amended by deleting subdivision (b)(2)(B) and substituting instead the following:

(B) The use of a transdermal monitoring device or other alternative alcohol monitoring devices. However, if the court orders the use of a monitoring device on or

after July 1, 2016, and the court determines the defendant to be indigent, the court shall order that the portion of the costs of the device that the defendant is unable to pay be paid by the DUI monitoring fund, established in § 55-10-419;

SECTION 12. Tennessee Code Annotated, Section 40-15-105, is amended by deleting the language "conduct;" at the end of subdivision (a)(2)(I)(i) and substituting instead the following:

conduct. If a memorandum entered into on or after July 1, 2016, requires the use of a transdermal monitoring device or other alternative monitoring device, before approving the memorandum, the judge shall determine if the defendant is indigent. If the court determines the defendant is indigent, the court shall order that the portion of the costs of the device that the person is unable to pay be paid by the DUI monitoring fund, established in § 55-10-419;

SECTION 13. Tennessee Code Annotated, Section 40-28-117, is amended by adding the following to the end of subdivision (a)(2)(B):

If the board includes use of a transdermal monitoring device or alternative monitoring device as a term and condition on or after July 1, 2016, but determines that the person is indigent, the board shall order that the portion of the costs of the device that the person is unable to pay be paid by the DUI monitoring fund, established in § 55-10-419.

SECTION 14. Tennessee Code Annotated, Section 40-35-303, is amended by deleting subdivision (d)(12)(A) and substituting instead the following:

(A) Use a transdermal monitoring device or other alternative monitoring device if the court determines that the defendant's use of alcohol or drugs was a contributing factor in the defendant's unlawful conduct and the defendant is granted probation on or after July 1, 2014. If the defendant is granted probation on or after July 1, 2016, and the court orders a monitoring device but determines that the person is indigent, the court

shall order that the portion of the costs of the device that the person is unable to pay be paid by the DUI monitoring fund, established in § 55-10-419;

SECTION 15. Tennessee Code Annotated, Section 40-35-313, is amended by adding the following new sentence between the first and second sentences of subdivision (a)(1)(B)(iii):

If the court requires a qualified defendant to use a transdermal monitoring device or other alternative monitoring device on or after July 1, 2016, as a condition of the defendant's release, and the court determines the defendant is indigent, the court shall order that the portion of the costs of the device that the person is unable to pay be paid by the DUI monitoring fund, established in § 55-10-419.

SECTION 16. This act shall take effect July 1, 2016, the public welfare requiring it.